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17 MAR 2006Substitute for Form
PTO-1390

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

ATTORNEY'S DOCKET NUMBER

1032013-000120

U.S. APPLICATION NO. (If known, see 37 CFR 1.5)

10/531,900

PRIORITY DATE CLAIMED

21 October 2002

INTERNATIONAL APPLICATION NO.
PCT/FR2003/003122INTERNATIONAL FILING DATE
21 October 2003

TITLE OF INVENTION

USE OF TENATOPRAZOLE FOR THE TREATMENT OF GASTROESOPHAGEAL REFLUX DISEASE

APPLICANT(S) FOR DO/EO/US

Francois SCHUTZE, Suzy CHARBIT, Herve FICHEUX, Michel HOMERIN, Alain TACCOEN and Yoshio INABA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission to items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (22) indicated below.
4. The US has been elected by the expiration of 19 months from the priority date (Article 31).
5. A copy of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto (required only if not communicated by the International Bureau).
 - b. has been communicated by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. An English language translation of the International Application as filed (35 U.S.C. 371(c)(2))
 - a. is attached hereto.
 - b. has been previously submitted under 35 U.S.C. 154(d)(4).
7. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
 - a. are attached hereto (required only if not communicated by the International Bureau).
 - b. have been communicated by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
8. An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 21 below concern document(s) or information included:

11. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. A FIRST preliminary amendment.
14. A SECOND or SUBSEQUENT preliminary amendment.
15. A substitute specification.
16. A change of power of attorney and/or address letter.
17. A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 C.F.R. 1.821 - 1.825.
18. A second copy of the published international application under 35 U.S.C. 154(d)(4).
19. A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).
20. Other items or information: A Request for a Three-Month Extension of Time; A copy of Notification of Missing Requirements dated 20 October 2005; and Response to Notification of Missing Requirements under 35 U.S.C. 371 dated 20 October 2005

U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/531,900	INTERNATIONAL APPLICATION NO. PCT/FR2003/003122	ATTORNEY'S DOCKET NUMBER 1032013-000120																																																												
<p>21. <input type="checkbox"/> Applicant(s) requests that the published application include the following assignment information:</p> <hr/> <hr/> <hr/> <hr/>		CALCULATIONS PTO USE ONLY																																																												
<p>22. <input checked="" type="checkbox"/> The following fees are submitted:</p> <p>Basic Filing Fee (1631)</p> <p>Surcharge of \$130.00 (1617) for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input checked="" type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">CLAIMS</th> <th style="text-align: left;">NUMBER FILED</th> <th style="text-align: left;">NUMBER EXTRA</th> <th style="text-align: left;">RATE</th> <th style="text-align: left;">\$</th> </tr> </thead> <tbody> <tr> <td>Total Claims</td> <td>-20 =</td> <td>0</td> <td>× \$50.00 (1615)</td> <td>\$ 0.00</td> </tr> <tr> <td>Independent Claims</td> <td>- 3 =</td> <td>0</td> <td>× \$200.00 (1614)</td> <td>\$ 0.00</td> </tr> <tr> <td colspan="4">MULTIPLE DEPENDENT CLAIM(S) (if applicable)</td> <td>+ \$360.00 (1616)</td> </tr> <tr> <td colspan="4">Examination Fee</td> <td>+ \$200.00 (1633)</td> </tr> <tr> <td colspan="4">Search Fee</td> <td>+ \$500.00 (1632)</td> </tr> <tr> <td colspan="5">App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)</td> </tr> <tr> <td colspan="4" style="text-align: right;">TOTAL OF ABOVE CALCULATIONS</td> <td style="text-align: right;">\$ 130.00</td> </tr> </tbody> </table> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by 1/2.</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="2" style="text-align: right;">SUBTOTAL =</th> <th style="text-align: right;">\$ 130.00</th> </tr> </thead> <tbody> <tr> <td colspan="2">Processing fee of \$130.00 (1618) for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).</td> <td style="text-align: right;">\$ 0.00</td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL NATIONAL FEE =</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2">Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2" style="text-align: right;">TOTAL FEES ENCLOSED =</td> <td style="text-align: right;">\$ 130.00</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">Amount to be refunded :</td> </tr> <tr> <td colspan="2"></td> <td style="text-align: right;">charged :</td> </tr> </tbody> </table> <p>a. <input type="checkbox"/> A check in the amount of _____ to cover the above fees is enclosed.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>02-4800</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>02-4800</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input checked="" type="checkbox"/> Charge <u>\$ 130.00</u> to credit card. Form PTO-2038 is attached.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p> <p>03/22/2006 MKAYPAGH 00000130 10531900</p> <p>01 FC 1617 130.00 0P</p> <p>SEND ALL CORRESPONDENCE TO:</p> <p>Buchanan Ingersoll PC Including attorneys from Burns, Doane, Swecker & Mathis P.O. Box 1404 Alexandria, Virginia 22313-1404 (703) 836-6620</p> <p style="text-align: right;"><u>Melissa M. Hayworth</u> SIGNATURE Melissa M. Hayworth NAME 45,774 17 March 2006 REGISTRATION NO. DATE</p>		CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	Total Claims	-20 =	0	× \$50.00 (1615)	\$ 0.00	Independent Claims	- 3 =	0	× \$200.00 (1614)	\$ 0.00	MULTIPLE DEPENDENT CLAIM(S) (if applicable)				+ \$360.00 (1616)	Examination Fee				+ \$200.00 (1633)	Search Fee				+ \$500.00 (1632)	App. Size Fee (add \$250.00 for each add'l 50 sheets exceeding 100 sheets)					TOTAL OF ABOVE CALCULATIONS				\$ 130.00	SUBTOTAL =		\$ 130.00	Processing fee of \$130.00 (1618) for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).		\$ 0.00	TOTAL NATIONAL FEE =		\$ 130.00	Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 (8021) per property +		\$ 130.00	TOTAL FEES ENCLOSED =		\$ 130.00			Amount to be refunded :			charged :
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of)
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Francois SCHUTZE et al.) Group Art Unit:
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Application No.: 10/531,900) Examiner:
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International Filing Date: April 21, 2005) Confirmation No.:
)
For: Use of Tenatroprazole for the Treatment)
of Gastroesophageal Reflux Disease)
)
)
)

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 DATED 20 OCTOBER 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please note that inventor Alain Taccoen is deceased. Accordingly, pursuant to 37 C.F.R. §1.421 and MPEP § 409.01(a), his heir, Nathalie Taccoen, has signed on his behalf as heir and legal representative to Alain Taccoen.

Accordingly, Applicants submit herewith the attached executed declaration indicating the relationship between the heir and the deceased inventor and the heir's citizenship, residence, and mailing address as required under 37 C.F.R. § 1.497(b)(2).

The heir is as follows:

Nathalie Taccoen
wife of and heir and legal representative to Alain Taccoen
9, avenue de Villiers
F-78150 Le Chesnay
France

As the heir to Alain Taccoen's estate, Nathalie Taccoen has executed the attached oath/declaration in place of Alain Taccoen.

If there are any questions regarding this submission, please contact the undersigned.

Respectfully submitted,
BUCHANAN INGERSOLL PC

By: Melissa M. Hayworth
Melissa M. Hayworth
Registration No. 45,774

P.O. Box 1404
Alexandria, Virginia 22313-1404
(703) 836-6620

Date: March 17, 2006